UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA

ERIE PROPERTY AND CASUALTY COMPANY, INC.,

Plaintiff,

v.

REPORT OF PARTIES' PLANNING MEETING
CIVIL ACTION NO. 1:09-cv-00113

CRAIG A. EDMOND, JANET EDMOND, DREAMLAND DEVELOPMENT, LLC d/b/a PLEASANT DAY SCHOOLS, LATASHA HENRY, DONNA CALANDRELLA, CRYSTAL SMITH and CHRISTINA HATCHER McGERVEY,

Defendants.

Guideline for parties and attorneys:
The parties are advised to use the *Worksheet for Report of Parties Planning Meeting* (Form USDC/ATTY-004 located on the Court's website at www.wvsd.uscourts.gov) and the suggested guidelines contained in the form's comments.

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on **November 17, 2009**. Those participating were:

P. Joseph Craycraft; Edward A. Smallwood and Michael P. Leahey for plaintiff(s) Erie Property and Casualty Co., Inc.

Erica M. Baumgras for defendant(s) Janet Edmond, Craig Edmond and Dreamland Development, LLC

Julia C. Abbitt and Kevin Cimino for defendant(s) Latasha Henry, Donna Calandrella, Crystal Smith and Christina Hatcher McGervey

2. Pre-Discovery Disclosures. The parties will exchange by **December 18, 2009**, the information required by Fed. R. Civ. P. 26(a)(1).

3. The parties should be allowed until **March 15, 2010,** to join additional parties and until **March 15, 2010,** to amend the pleadings.

4. Discovery Plan. The parties jointly propose to the court the following discovery plan: [Use separate paragraphs or subparagraphs as necessary if parties disagree.]

Discovery will be needed on the following subjects:

This matter is brought pursuant to the Declaratory Judgment Act. The only relief sought by Plaintiff is a determination of the rights and responsibilities of the parties to this action under a certain policy of insurance. As such, discovery will be limited to only those issues necessary to make such a determination.

Disclosure of electronically stored information should be handled as follows:

Parties agree to limit the scope of electronic discovery to email communications (which may be produced as paper or .pdf images), documents and files available to the parties, digital photographs in their native format and to the extent any Party maintains its files in electronic format rather than on paper, such files shall be produced electronically or may be produced as paper or PDF images. Further, no party shall be required to search or produce system backup media, metadata, or files deleted pursuant to an established document retention program prior to commencement of this litigation.

The parties have agreed to an order regarding claims of privilege or of protection as trial-preparation material asserted after production, as follows:

The Parties will confer on the terms of an appropriate protective order that may be deemed necessary to protect any confidential or proprietary information that may be exchanged during the course of discovery. The Parties shall file the appropriate motion with the Court for approval.

This action **is not** suitable for designation as a complex case requiring special case management procedures and additional pretrial conferences. If the parties and attorneys believe that the case is complex, the basis for that belief is:

All discovery shall be completed no later than June 30, 2010.

The parties **do** adopt the discovery limits set forth in the Federal Rules of Civil Procedure.

Reports from retained experts under Rule 26(a)(2) due:

By the party with the burden of proof on an issue: **March 1, 2010**;
By the party not bearing the burden of proof on an issue: **April 15, 2010**; and
Expert witness disclosures intended solely to contradict or rebut evidence on the same issue identified by another party: **May 15, 2010**.

5. Magistrate judges will resolve discovery disputes. The parties **do not consent** to have a United States magistrate judge conduct any and all further proceedings in the case, including trial, and order the entry of a final judgment.

6. Mediation shall take place on or before **July 1, 2010**.

7. Potential dispositive motions shall be filed by **July 1, 2010**, with responses and replies filed according to the Local Rules.

8. The parties request a pretrial conference in **August 2010**.
The plaintiff(s) shall submit a proposed pretrial order to defendant(s) on or before **July 30, 2010.**

The defendant(s) shall compile a proposed integrated pretrial order and submit it to chambers of the presiding judicial officer on or before **August 11, 2010**.

9. Where applicable, proposed jury instruction shall be exchanged and transmitted to chambers of the presiding judicial officer in WordPerfect format on or before **August 25, 2010**.

10. Where applicable, proposed findings of fact and conclusions of law shall be exchanged and transmitted to chambers of the presiding judicial officer in WordPerfect format on or before **August 23, 2010**.

11. A final settlement conference will take place in **August, 2010**.

12. The case should be ready for trial by **August 30, 2010**, and at this time is expected to take approximately **3** days.

The parties acknowledge that the Court will conduct a Scheduling conference on **December 15, 2009 at 10:30** before entry of the scheduling order.

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